

Bill No. SB 120

Barcode 094346 Comm: RCS 04/25/2006 04:46 PM

585-2239A-06

Proposed Committee Substitute by the Committee on Governmental Oversight and Productivity

1 A bill to be entitled

2 An act relating to electronic information and

3 information technology; creating part III of

4 ch. 282, F.S.; requiring that the executive,

5 legislative, and judicial branches of state

6 government provide to individuals with

7 disabilities access to and use of information

8 and data that is comparable to the information

9 and data provided to individuals who do not

10 have disabilities; providing certain

11 exceptions; providing definitions; requiring

12 that each state agency use accessible

13 electronic information and information

14 technology that conforms with specified

15 provisions of federal law; providing certain

16 exceptions; requiring the Department of

17 Management Services to adopt rules; providing

18 an exception for electronic information and

19 information technology involving military

20 activities or criminal intelligence activities;

21 specifying that the act applies to competitive

22 solicitations; providing legislative intent;

23 providing an effective date.

24

25 Be It Enacted by the Legislature of the State of Florida:

26

27 Section 1. Part III of chapter 282, Florida Statutes,

28 consisting of sections 282.601, 282.602, 282.603, 282.604,

29 282.605, and 282.606, is created to read:

30 PART III

31 ACCESSIBILITY OF INFORMATION AND TECHNOLOGY

Bill No. SB 120

Barcode 094346

585-2239A-06

282.601 Accessibility of electronic information and information technology.--

(1) In order to improve the accessibility of electronic information and information technology and increase the successful education, employment, access to governmental information and services, and involvement in community life, the executive, legislative, and judicial branches of state government shall, when developing, competitively procuring, maintaining, or using electronic information or information technology acquired on or after July 1, 2006, ensure that state employees with disabilities have access to and are provided with information and data comparable to the access and use by state employees who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

(2) Individuals with disabilities who are members of the public seeking information or services from state agencies that are subject to this part shall be provided with access to and use of information and data comparable to that provided to the public who are not individuals with disabilities, unless an undue burden would be imposed on the agency.

282.602 Definitions.--As used in this part, the term:

(1) "Accessible electronic information and information technology" means electronic information and information technology that conforms to the standards for accessible electronic information and information technology as set forth by s. 508 of the Rehabilitation Act of 1973, as amended, and 29 U.S.C. 794(d), including the regulations set forth under 36 C.F.R. part 1194.

(2) "Alternate methods" means a different means of providing information to people with disabilities, including

585-2239A-06

product documentation. The term includes, but is not limited to, voice, facsimile, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

(3) "Electronic information and information technology" includes information technology and any equipment or interconnected system or subsystem of equipment which is used in creating, converting, or duplicating data or information. The term includes, but is not limited to, telecommunications products such as telephones, information kiosks and transaction machines, Internet web sites, multimedia systems, and office equipment such as copiers and facsimile machines. The term does not include any equipment that contains embedded information technology that is an integral part of the product if the principal function of the technology is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information.

(4) "Information technology" means any equipment or interconnected system or subsystem of equipment which is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. The term includes computers, ancillary equipment, software, firmware and similar procedures, services and support services, and related resources.

(5) "Undue burden" means significant difficulty or expense. In determining whether an action would result in an undue burden, a state agency shall consider all agency resources that are available to the program or component for which the product is being developed, procured, maintained, or

Bill No. SB 120

Barcode 094346

585-2239A-06

1 used.

2 (6) "State agency" means any agency of the executive,
3 legislative, or judicial branch of state government.

4 282.603 Access to electronic and information
5 technology for persons with disabilities; undue burden;
6 limitations.--

7 (1) Each state agency shall develop, procure,
8 maintain, and use accessible electronic information and
9 information technology acquired on or after July 1, 2006,
10 which conforms to the applicable provisions set forth by s.
11 508 of the Rehabilitation Act of 1973, as amended, and 29
12 U.S.C. 794(d), including the regulations set forth under 36
13 C.F.R. part 1194, except when compliance with this section
14 imposes an undue burden; however in such instance, a state
15 agency must provide individuals with disabilities with the
16 information and data involved by an alternative method of
17 access which allows the individual to use the information and
18 data.

19 (2) This section does not require a state agency to
20 install specific accessibility-related software or attach an
21 assistive-technology device at a work station of a state
22 employee who is not an individual with a disability.

23 (3) This section does not require a state agency, when
24 providing the public with access to information or data
25 through electronic information technology, to make products
26 owned by the state agency available for access and use by
27 individuals with disabilities at a location other than the
28 location at which the electronic information and information
29 technology are normally provided to the public, and this
30 section does not require a state agency to purchase products
31 for access and use by individuals with disabilities at a

Bill No. SB 120

Barcode 094346

585-2239A-06

1 location other than at the location where the electronic
2 information and information technology are normally provided
3 to the public.

4 282.604 Adoption of rules.--The Department of
5 Management Services shall, with input from stakeholders, adopt
6 rules pursuant to ss. 120.536(1) and 120.54 for the
7 development, procurement, maintenance, and use of accessible
8 electronic information technology by governmental units.

9 282.605 Exceptions.--

10 (1) This part does not apply to electronic information
11 and information technology of the Department of Military
12 Affairs or the Florida National Guard if the function,
13 operation, or use of the information or technology involves
14 intelligence activities or cryptologic activities related to
15 national security, the command and control of military forces,
16 equipment that is an integral part of a weapon or weapons
17 system, or systems that are critical to the direct fulfillment
18 of military or intelligence missions. Systems that are
19 critical to the direct fulfillment of military or intelligence
20 missions do not include a system that is used for routine
21 administrative and business applications, including, but not
22 limited to, payroll, finance, logistics, and
23 personnel-management applications.

24 (2) This part does not apply to electronic information
25 and information technology of a state agency if the function,
26 operation, or use of the information or technology involves
27 criminal intelligence activities. Such activities do not
28 include information or technology that is used for routine
29 administrative and business applications, including, but not
30 limited to, payroll, finance, logistics, and
31 personnel-management applications.

Bill No. SB 120

Barcode 094346

585-2239A-06

1 (3) This part does not apply to electronic information
2 and information technology that is acquired by a contractor
3 and that is incidental to the contract.

4 (4) This part applies to competitive solicitations
5 issued or new systems developed by a state agency on or after
6 July 1, 2006.

7 282.606 Intent.--It is the intent of the Legislature
8 that, in construing this part, due consideration and great
9 weight be given to the interpretations of the federal courts
10 relating to comparable provisions of s. 508 of the
11 Rehabilitation Act of 1973, as amended, and 29 U.S.C. 794(d),
12 including the regulations set forth under 36 C.F.R. part 1194,
13 as of July 1, 2006.

14 Section 2. This act shall take effect July 1, 2006.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31